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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/893,749

06/29/2001

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418268862US1

3336

45979 7590 01/07/2009
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EXAMINER

MITCHELL, JASON D

ART UNIT

PAPER NUMBER

2193

MAIL DATE

DELIVERY MODE

01/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/893,749	Applicant(s) WYATT ET AL.	
	Examiner Jason Mitchell	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-31, 33-36 and 38-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-31, 33-36 and 38-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to an amendment filed on 10/16/08.

Claims 25-31, 33-36 and 38-43 are pending in this application.

Response to Arguments

In the first par. on pg. 9, the applicants state:

The Examiner cites Balasubramaniam at 6:47-51 as corresponding to these recited features. (Office Action, Apr. 16, 2008, p. 3, 7.) The cited portion of Balasubramaniam describes that a client computer may manually download an Internet Explorer-emulating plug-in after filling out a form displayed on a second web page, or the plug-in may be automatically downloaded to the client computer. However, one skilled in the art would not reasonably interpret that being permitted to download a plug-in in exchange for filling out a form means that the plug-in is "configured according to" the form. Balasubramaniam's plug-in is not "arrange[d] in a particular configuration" or "arrange[d] or order[ed] so as to fit it for a designated task" based on the form. (Oxford English Dictionary, definition of "configure.") Balasubramaniam sends the same plug-in to each user running Netscape Navigator; the plug-in is not "arrange[d] in a particular configuration" based on anything entered into the form by the user. Moreover, Balasubramaniam emphasizes providing "standard applications or services to a user of a client computer," without analyzing the execution environment of the client or adjusting the application or service in regard to the execution environment. (Balasubramaniam, 4:8-14.)

The examiner respectfully disagrees. The claims do not recite the component is "configured according to the form" but instead the component is "configured according to the determined parameters". Balasubramaniam discloses the component is configured (*col. 4, lines 36-47 "the plug-in is configured to intercept events generated in the browser"*) according to the determined parameters (*col. 6, lines 4-6 "detect the type of browser a user uses"; also see col. 6, lines 22-32*) and thus meets the claim language. Note that Balasubramaniam's reference to a 'Netscape' browser is merely exemplary (*col. 6, lines 1-4 "illustratively, the browser Navigatortm"*) and that each plug-

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in is configured for use with a particular browser (*col. 4, lines 36-47 "the plug-in is configured to intercept events generated in the browser"*).

In the last par. on pg. 9, the applicants state:

In addition, Balasubramaniam's user originally requests a web page that can only be displayed on a computer running Internet Explorer. It is the Examiner's position that requesting this web page, which contains software components, corresponds to applicant's "request to launch the software component." (Office Action, Apr. 16, 2008, p. 2, 8.) If Balasubramaniam were to correspond to applicant's techniques, however, filling out the form on Balasubramaniam's second web page would result in the download of the originally requested web page and/or its contained software components. Instead, filling out the form on Balasubramaniam's second web page results in download of the Internet Explorer-emulating plug-in, which is separate from the originally requested web page and its contained software components.

The examiner respectfully disagrees. The claims do not place any limitations on what should be considered a 'software component'. Further, the applicants have not provided an explicit definition in the specification. Accordingly the claims are broad the claimed 'software component' of Balasubramaniam can reasonably be considered the combination of the requested web page (*col. 5, lines 55-58 "a web page on a server"*) and the supporting plug-ins with which it interacts (*col. 7, lines 12-19 "these actions generate events that can be captured and processed by the IE control component [i.e. the plug-in]"*) to provide the desired functionality.

In the first full par. on pg. 11 the applicants state:

As amended, claims 25-31 and 33-35 also recite "wherein each client receives the software component configured to its own parameters." As amended, claims 36 and 38-43 also recite "wherein the software component is configured to each client's own parameters." That is, different clients may receive differently configured software components, depending on the parameters of the execution environment of each

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client. Unlike applicant's techniques, Balasubramaniam apparently downloads the same plug-in to each client running Netscape Navigator. Balasubramaniam's Internet Explorer- emulating plug-in is not configured differently for different clients. Neither Balasubramaniam nor Platt apparently discloses or suggests these recited features.

The examiner respectfully disagrees. As discussed above Balasubramaniam's reference to the Netscape browser is exemplary and accordingly, Balasubramaniam discloses downloading different plug-ins configured for different browsers depending on what browser is detected (*col. 6, lines 4-6 "detect the type of browser a user uses"; col. 4, lines 36-47 "the plug-in is configured to intercept events generated in the browser"*).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25-31 and 33-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 25 and 36 recite "wherein each client receives the software component configured to its own parameters". While on its own this could reasonably be interpreted as indicating the software is configured in accordance with the parameters detected on the client, such an interpretation would appear redundant in conjunction with the rest of the language presented in the limitation (*i.e. "receiving from the server the software component configured according to the determined parameters"*). Accordingly, it is not

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clear what the intended scope of the claim is. For the sake of this examination the interpretation discussed above will be used, however clarification is required.

Claims 26-31, 33-35 and 38-43 depend from claims 25 and 36 and are thus rejected for the reasons given above in relation to the respective parent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-31, 33-35 and 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balasubramaniam et al. (USPN 6,477,550) in view of Cavasa et al. (USPN 5,421,009).

Claim 25

Balasubramaniam disclosed a method in a client of launching a software component, the client having an execution environment, the method comprising:

receiving from a user a request to launch the software component (*column 5, lines 60-61; column 6, lines 1-2*);

sending to a server a request to launch the software component (*column 5, lines 60-61*);

in response to sending the request, receiving from the server a launch page that includes code to request downloading of the software component configured based on the determined parameters (*column 6, lines 47-51*);

under control of the code of the received launch page,

determining whether the software component can successfully execute in the execution environment of the client (*column 6, lines 47-51*);

when it is determined that the software component can successfully execute in the execution environment of the client (*column 6, lines 47-51*),

determining parameters of the execution environment of the client (*column 6, lines 47-51; col. 6, lines 22-32 "using these properties, or by searching a pre-designated directory ... determines if the client computer 100 is configured to support a particular MIME type or a plug-in"*);

sending to the server a request to download the software component, the request indicating the determined parameters (*col. 6, lines 22-32; column 6, lines 47-51*);

receiving from the server the software component configured according to the determined parameters (*column 6, lines 47-51*), wherein each client receives the software component configured to its own parameters (*col. 4, lines 36-47 "the plug-in is configured to intercept events generated in the browser"*); and
launching execution of the software component (*column 6, lines 62-65*).

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Balasubramaniam did not explicitly state “determin[ing] parameters of the execution environment of the client” and does not teach reporting an error to the user when the environment is incompatible or updating the launch page to detect changes in a parameter of the environment and notify the server of such a change.

Cavasa teaches reporting an error when it is determined the software is incompatible with the environment (*Fig. 3, 108, 110, and 112; col. 9, lines 3-8 “This report indicates ... the results of checks of interchangeability and compatibility, the validation of a new configuration”*);

detecting changes in a parameter of the execution environment of the client (*Fig. 3, steps 104 and 105; col. 8, lines 26-29 “If there as been a change of configuration, an alarm appears during the stage 107”*); and

when a change in a parameter is detected, notifying the server of the change to the parameter so that the server can effect the reconfiguring of the software component (*Fig. 3, steps 107 & 112; col. 8, lines 26-29 “an alarm appears during the stage 107”*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to update **Balasubramaniam’s** launch page (*column 6, lines 47-51*) to detect changes in a parameter of the environment (**Cavasa** *Fig. 3, steps 104 and 105*) and to notify a user of any detected incompatibility (**Cavasa** *Fig. 3, step 112*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to do so in order to ensure proper operation of **Balasubramaniam’s** component

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(Balasubramaniam col. 6, lines 28-32 “determines if the client computer 100 is configured to support a particular MIME type or a plug-in”; Cavasa col. 4, lines 55-60 “ensure much greater security of checking of the configuration of an installation”)

Claim 26

Balasubramaniam disclosed the method of claim 25 wherein the determining of whether the software component can successfully execute in the execution environment of the client includes determining whether a certain scripting language is supported *(figure 3, line 10, “SCRIPT LANGUAGE=“JavaScript”“)*.

Claim 27

Balasubramaniam disclosed the method of claim 25 wherein the determining of whether the software component can successfully execute in the execution environment of the client includes determining whether the software component can be downloaded from the server *(column 6, lines 55-59)*.

Claim 28

Balasubramaniam disclosed the method of claim 27 wherein the determining of whether the software component can be downloaded includes attempting to download from the server a test component *(column 6, lines 55-59)*.

Claim 29

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Balasubramaniam does not explicitly disclose wherein determining whether the software component can successfully execute in the execution environment includes determining whether a browser is enabled to execute code in a certain language.

However, **Balasubramaniam** does disclose an embodiment which requires the functionality of a certain [scripting] language (*col. 6, lines 18-20 "A preferred embodiment uses the JavaScripttm language"*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made determine if execution is possible in the environment by determining if the browser supports a certain [scripting] language (*i.e. col. 6, lines 18-20 "the JavaScripttm language"*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to do so because otherwise **Balasubramaniam's** method would fail with un-expected results.

Claim 30

Balasubramaniam disclosed the method of claim 25 including when it is determined that the software component can successfully execute in the execution environment of the client, establishing a connection between the client and the server (*column 6, lines 47-51, then it is downloaded*).

Claim 31

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Balasubramaniam disclosed the method of claim 25 including after sending to the server a request to download the software component, receiving from the server application content (*column 6, lines 47-51*).

Claim 33

Balasubramaniam disclosed the method of claim 25 wherein a parameter of the execution environment of the claim indicates whether a browser has certain plug-ins (*column 6, lines 15-37*).

Claim 34

Balasubramaniam disclosed the method of claim 25 wherein a parameter of the execution environment of the client relates to a security policy of the client (*column 6, lines 4-6, browser detection indicates security of that type of browser*).

Claim 35

Balasubramaniam disclosed the method of claim 25 wherein a parameter of the execution environment of the client relates to a hardware configuration of the client (*column 6, lines 4-6, browser detection indicates hardware configuration able to support such a browser*).

Claims 36-43

The limitations of claims 36-43 correspond to the limitations of claims 25-32 and are rejected in the same manner.

Conclusion

In view of the new grounds of rejection **this action is made NON-FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Mitchell whose telephone number is (571)272-3728. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bullock Lewis can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Mitchell/
Examiner, Art Unit 2193

/Lewis A. Bullock, Jr./
Supervisory Patent Examiner, Art Unit 2193